

FOIA

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13 April 1984

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MEMORANDUM FOR: See Distribution

FROM:

Deputy Chief, Legislation Division
Office of Legislative Liaison

SUBJECT: HPSCI "Dear Colleague" Letter
Regarding H.R. 5164

Attached for your information is a copy of a "Dear Colleague" letter which was sent by Chairman Boland and Representatives Mazzoli, Robinson and Whitehurst to all Members of the House following the unanimous approval of H.R. 5164 on 11 April. The purpose of this letter is to urge other Members of the House to join them as co-sponsors of the Bill.

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Attachment

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PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

WASHINGTON, D.C. 20515

April 11, 1984

THOMAS R. LATIMER, STAFF DIRECTOR
MICHAEL J. CHIEF, CHIEF COUNSEL
STEVEN K. BERRY, ASSOCIATE COUNSEL

Dear Colleague:

We have jointly sponsored H.R. 5164, the "Central Intelligence Agency Information Act," to improve CIA responsiveness to public requests for information under the Freedom of Information Act and to provide greater security for certain sensitive CIA operational files. The Permanent Select Committee on Intelligence ordered the bill reported unanimously on April 11, 1984. The legislation has been crafted with great care to ensure that providing more effective security for these files will not diminish the amount of meaningful information currently available to the public under the FOIA. The legislation is deserving of full bipartisan support, and we urge you to join us as cosponsors of the bill.

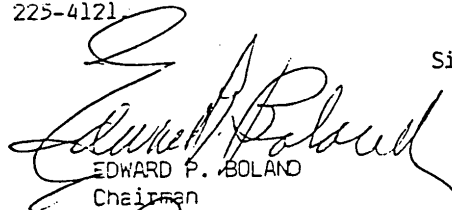
A decade of experience has shown that certain specifically identifiable CIA operational records systems, containing the most sensitive information directly concerning intelligence sources and methods, inevitably contain few, if any, items which can be disclosed to FOIA requesters. The records contained in these operational records systems almost invariably fall within the FOIA exemptions protecting classified information and information relating to intelligence sources and methods. Nevertheless, despite the fact that records retrieved from these operational records systems will, after line-by-line security review, be found to be exempt from FOIA disclosure, the CIA must search and review records from these systems in response to FOIA requests.

The unproductive process of searching and reviewing CIA operational records systems which contain little, if any, information releasable under the FOIA absorbs a substantial amount of the time of experienced CIA operational personnel and scarce tax dollars. This expenditure of time and money contributes very little to the FOIA goal of an informed citizenry, since it produces almost no records releasable to the public. In fact, it actively hinders achievement of that goal, because the time-consuming process of reviewing sensitive CIA operational records which prove unreleasable creates a bottleneck in the Agency's FOIA review process, causing a two-to-three year delay in CIA responses to many FOIA requests.

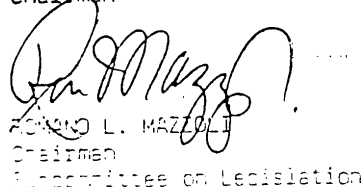
The legislation we have sponsored will eliminate this waste of resources by removing certain specifically defined sensitive CIA operational files from the FOIA search, review and disclosure process. The legislation will have the additional benefits of reducing the risk of accidental administrative disclosure of sensitive CIA operational secrets and of providing additional assurance to CIA intelligence sources that public access to government files under America's Freedom of Information Act poses no risk to the confidentiality of their relationship with the United States Government. The legislation preserves the current state of the law on requests by individuals for information concerning themselves, requests for information concerning CIA covert actions, and requests for information concerning the specific subject matter of investigations of intelligence activities for illegality or impropriety. Of great importance, with the relief afforded the CIA from undue administrative burdens by the legislation, CIA will be able to respond more quickly and more efficiently to FOIA requests in the future than it has in the past.

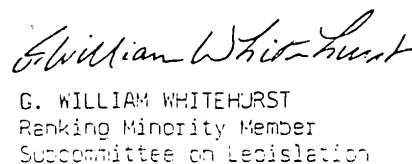
To cosponsor H.R. 5164, please contact the Permanent Select Committee on Intelligence Chief Counsel Michael J. O'Neil or Associate Counsel Steven K. Berry at 225-4121.

Sincerely,


EDWARD P. BOLAND
Chairman


J. KENNETH ROBINSON
Ranking Minority Member


THOMAS L. MAZZOLI
Chairman
Subcommittee on Legislation


G. WILLIAM WHITEHURST
Ranking Minority Member
Subcommittee on Legislation